

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SPEEDFIT LLC and AUREL A. ASTILEAN,

2013 Civ. 1276 (KAM)(AKT)

Plaintiffs,

- against -

WOODWAY USA, INC. and DOUGLAS
G. BAYERLEIN,

Defendants.

JOINT [PROPOSED] DISCOVERY
PLAN AND [PROPOSED]
INITIAL CASE MANAGEMENT
AND SCHEDULING ORDER

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A. KATHLEEN TOMLINSON, Magistrate Judge:

I. DEADLINES AND COURT APPEARANCES

Deadline for completion of initial disclosures
required by Rule 26(a):

May 15, 2013¹

First request for production of documents
and first request for interrogatories due by:

June 21, 2013

Responses to first request for production
of documents and first set of interrogatories
due by:

August 6, 2013

Deadline for joinder of additional parties
and amendment of pleadings:

September 18, 2013

Status Conference:

November 15, 2013, at 1:00 p.m.

¹ Defendants intend to proceed with the schedule as proposed by Plaintiffs. However, Defendants reserve the right to pursue additional discovery following resolution of their contemplated motion to dismiss the Complaint as described in Defendants' Letter Brief, (Dkt. No. 10).

II. CHECKLIST FOR THE COURT

- A. Initial Disclosures: Counsel to serve by May 15, 2013.
- B. Stipulation and Order of Confidentiality: Counsel confirm that they have consulted in good faith regarding the need for such order:

X Yes ☐ No

Based on that consultation, counsel find that a Stipulation and Order of Confidentiality is:

X Needed ☐ Not Needed

* The parties will meet and confer regarding appropriate language for the Stipulation and Proposed Order of Confidentiality.

- C. Electronically Stored Information ("ESI"): Counsel confirm that they have met and conferred regarding the existence of any relevant ESI on both sides:

X Yes ☐ No

The parties have had some preliminary discussion about the type of ESI which is in their clients' respective possession or control and how they wish to have such ESI produced:

X Yes ☐ No

* The parties will meet and confer regarding appropriate ESI. Both sides agree they will produce email communications between the parties to the extent they are relevant, responsive, and not privileged.

- D. HIPAA Release Authorizations: Counsel confirm that such authorizations for this case are:

☐ Needed X Not Needed

- E. Modification to Fed. R. Civ. Pro. and Local Rules:
At this time, the parties do not anticipate any modification to the discovery rules will be necessary.

- F. Disclosure of Expert Testimony:
The parties anticipate the disclosure of expert testimony in this action. At this time, Defendants anticipate using no more than two experts. The parties will meet and confer regarding the appropriate timing for expert disclosures and discovery.

Respectfully submitted,

Sara Madavo

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*Counsel for Defendants Woodway USA, Inc.
and Douglas G. Bayerlein*

SO ORDERED:

Dated: Central Islip, New York

A. KATHLEEN TOMLINSON
United States Magistrate Judge